

NA-CHURS PLANT FOOD COMPANY,	)	IN THE CIRCUIT COURT OF
a corporation	)	
Plaintiff	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
MERRILL NORTHCUTT,	)	
Defendant	)	CASE NO. <u>9896</u>

C O M P L A I N T

COUNT I

Plaintiff claims of the defendant THREE THOUSAND ONE HUNDRED EIGHTY-SEVEN AND 48/100 DOLLARS (\$3,187.48), due from him by account, from April 7, 1970, which sum of money with the interest thereon is still unpaid. The account sued on is evidenced by an itemized and verified statement filed herewith.

COUNT II

Plaintiff claims of the defendant the sum of THREE THOUSAND ONE HUNDRED EIGHTY-SEVEN AND 48/100 DOLLARS (\$3,187.48), due from him by account stated between the plaintiff and the defendant in April 7, 1970, which sum of money with the interest thereon is still unpaid.

COUNT III

Plaintiff claims of the defendant the sum of THREE THOUSAND ONE HUNDRED EIGHTY-SEVEN AND 48/100 DOLLARS (\$3,187.48) due from him for merchandise, goods and chattels sold by the plaintiff to the defendant in April, 1970, which sum of money with the interest thereon is still unpaid.

  
E. G. RICKARBY, Attorney for Plaintiff

OF COUNSEL:

RICKARBY & BENTON  
Fairhope, Alabama

Defendant may be served at  
Loxley, Alabama

**FILED**

JUN 24 1971

EUNICE B. BLACKMON CIRCUIT CLERK

IMPORTANT: Read over slowly. Fill out very carefully. Attach itemized statement in triplicate showing each debit and credit supported by triplicate invoices of each debit. Do not strike out, change or add to except where indicated.

STATE OF..... OHIO.....

COUNTY OF..... MARION.....

Before me, the undersigned authority, on this day personally appeared..... L. B. EDDY.....  
known to me, who being duly sworn, upon oath deposes and says that he is..... CREDIT MANAGER.....  
and duly authorized agent of..... (Position held)

..... NA-CHURS PLANT FOOD COMPANY.....

..... (Trade name or name of company).....

A corporation duly incorporated and existing under the laws of the State of..... OHIO.....  
a partnership consisting of.....

Owned and operated by....., a sole trader,  
residing in the County of....., State of....., and that as  
such he makes this affidavit: that he is familiar with the books of said corporation, partnership, or Sole  
(Leave only one)

Trader; that the attached account against..... MERRIL NORTHCUTT....., constituting this  
cause of action, is taken from original books of entry, and is just and true within the knowledge of this  
affiant; that all just and lawful offsets, payments and credits have been allowed and that the sum of  
THREE THOUSAND ONE HUNDRED EIGHTY-SEVEN AND 48/100---- Dollars (\$3187.48.....), with interest  
thereon at the legal rate from the..... next following the date or dates thereof is due,  
owing and unpaid.

*L. B. Eddy*

..... (Affiant)

Subscribed and sworn to before me this..... 14th..... day of..... April..... A. D. 19 71.....

(SEAL)

*Josephine Retterer*  
Notary Public in and for the County and State first  
hereinbefore written.

My commission expires..... 11-23-72..... A. D. 19 72

JOSEPHINE RETTERER, Notary Public  
Marion County, Ohio

My Commission Expires..... 11-23-72.....  
Notary must PRINT name hereon.

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA  
Baldwin County

Circuit Court, Baldwin County

No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon .....MERRILL NORTHCUTT.....

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint  
filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against.....

.....MERRILL NORTHCUTT..... Defendant.....

by .....  
.....NA-CHUES PLANT FOOD COMPANY, a corporation..... Plaintiff.....

Witness my hand this.....24.....day of.....June.....19.....71.....  
.....Gussie B. Blackmon.....Clerk

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

NA-CHURS PLANT FOOD COMPANY

a corporation

Plaintiffs

vs.

MERRILL NORTHCUTT

Defendants

SUMMONS AND COMPLAINT

Filed ..... 19.....

**FILED**

Clerk

JUN 24 1971

EUNICE B. BLACKMON CIRCUIT CLERK

RICKARBY & BENTON  
Fairhope, Alabama

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Loxley, Alabama

Received In Office

June 24 1971

Taylor Wilkins Sheriff

I have executed this summons

this 6-26 1971

by leaving a copy with

BR

Merrill Northcutt

50 miles at

short claims Total \$ 5.00

Taylor Wilkins, Sheriff

BY A. J. Brown  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. Brown Deputy Sheriff

50 mi RT  
R. Dale

NA-CHURS PLANT FOOD COMPANY,  
a corporation,

Plaintiff

-VS-

MERRILL NORTHCUTT,

Defendant

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9,896

ANSWER

Comes now the defendant and for answer to the complaint and  
amended complaint heretofore filed in this cause saith:

Not guilty.

  
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I certify that I have mailed a copy of the foregoing answer  
to Rickarby and Benton, Attorneys at Law, Post Office Box 471,  
Fairhope, Alabama 36532, by depositing the same in the United  
States mail, postage prepaid, at Bay Minette, Alabama, on this the  
fourteenth day of July, 1972.

  
ATTORNEY FOR DEFENDANT

FILED

JUL 14 1972

HUNICE B. BLACKMON CIRCUIT  
CLERK

NA-CHURS PLANT FOOD COMPANY  
a corporation,

Plaintiff

-VS-

MERRILL NORTHCUTT,

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9,896

DEMURRER

Comes now the Defendant, by his attorney of record, and  
refiles his demurrers to the Amended Complaint so that said  
demurrers shall apply to the amended complaint the same as to the  
original complaint.

  
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I certify that I have mailed a copy of the foregoing Demurrer  
to Rickarby and Benton, Attorneys at Law, 35 South Section,  
Fairhope, Alabama 36532, by depositing the same in the United  
States Mail, postage prepaid, at Bay Minette, Alabama, on this  
17<sup>th</sup> day of August, 1971.

  
ATTORNEY FOR DEFENDANT

FILED

AUG 17 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

NA-CHURS PLANT FOOD COMPANY, a corporation	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
MERRILL NORTHCUTT,	)	9896
Defendant	)	

AMENDED COMPLAINT

COUNT IV

Plaintiff claims of the defendant THREE THOUSAND ONE HUNDRED EIGHTY-SEVEN AND 48/100 DOLLARS (\$3,187.48), due from him by account, on the 7th day of April, 1970, which sum of money with the interest thereon is still unpaid. The account sued on is evidenced by an itemized and verified statement filed herewith.

COUNT V

Plaintiff claims of the defendant the sum of THREE THOUSAND ONE HUNDRED EIGHTY-SEVEN AND 48/100 DOLLARS (\$3,187.48), due from him by account stated between the plaintiff and the defendant on the 7th day of April, 1970, which sum of money with the interest thereon is still unpaid.

COUNT VI

Plaintiff claims of the defendant the sum of THREE THOUSAND ONE HUNDRED EIGHTY-SEVEN AND 48/100 DOLLARS (\$3,187.48) due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on the 7th day of April, 1970, which sum of money with the interest thereon is still unpaid.

  
E. G. Rickarby, Attorney for Plaintiff

OF COUNSEL:

RICKARBY & BENTON  
Fairhope, Alabama

~~Defendant may be served at~~  
~~Loxley, Alabama~~

**FILED**

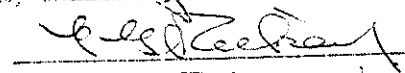
AUG 10 1971

EUNICE B. BLACKMON  
CIRCUIT CLERK

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a envelope with postage prepaid return and prepaid addressed.

This 6 day of August, 1971

  
Attorney for Plaintiff  
P. O. Box 471, Fairhope, Ala. 36532

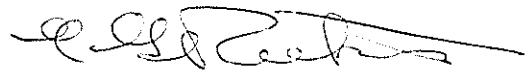
NA-CHURS PLANT FOOD COMPANY,  
a corporation  
Plaintiff

vs.

MERRILL NORTHCUTT,  
Defendant

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA  
) AT LAW  
) CASE NO. \_\_\_\_\_  
)

Comes the Plaintiff and moves to amend the  
Complaint as per amendment filed herewith.



E. G. RICKARBY, Attorney for Plaintiff

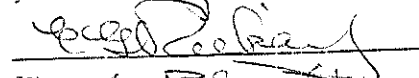
OF COUNSEL:

RICKARBY & BENTON  
Fairhope, Alabama

#### CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the  
opposing party in the foregoing matter with a copy of this pleading  
by depositing in the United States Mail a copy of same in an  
envelope with postage prepaid thereon and properly  
addressed.

This 6 day of August, 1971

  
Attorney for Plaintiff  
P. O. Box 471, Fairhope, Ala. 36532

**FILED**

AUG 10 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK



E. G. RICKARBY  
DANIEL A. BENTON  
TELEPHONE  
(205) 928-2308

LAW OFFICES  
**RICKARBY & BENTON**  
ATTORNEYS AT LAW  
316 MAGNOLIA AVENUE  
P. O. BOX 471  
FAIRHOPE, ALABAMA 36532

DAPHNE BRANCH  
EARLE REALTY BUILDING  
HIGHWAY 98  
TELEPHONE  
(205) 626-2608

August 6, 1971

Mrs. Eunice Blackmon  
Clerk of the Circuit Court  
Bay Minette, Alabama 36507

Re: Case #9896, At Law  
Na-Churs Plant Food Co.  
v. Merrill Northcutt  
Our File No. R71-22

Dear Mrs. Blackmon:

Enclosed find motion to amend and amendment to complaint.  
Please forward.

Respectfully,

  
E. G. Rickarby

EGR:h  
cc: Mr. Kenneth Cooper

NA-CHURS PLANT FOOD COMPANY,  
a corporation,

Plaintiff

-VS-

MERRILL NORTHCUTT,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

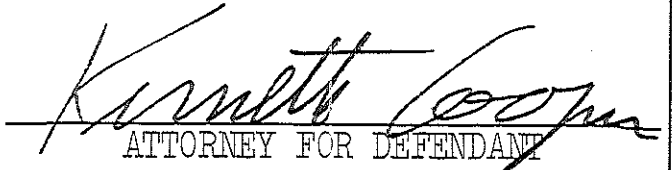
AT LAW

CASE NO. 9,896

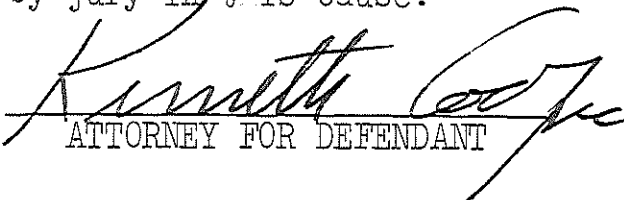
DEMURRER

Comes now the Defendant in above styled cause and demurs to the complaint heretofore filed in this cause and assigns as grounds therefor the following to each and every count thereof, separately and severally:

1. The complaint is vague.
2. The complaint is uncertain.
3. The complaint fails to allege the amount of the account when it was incurred on April 7, 1970.
4. The complaint fails to allege the date on which the account became due and payable.

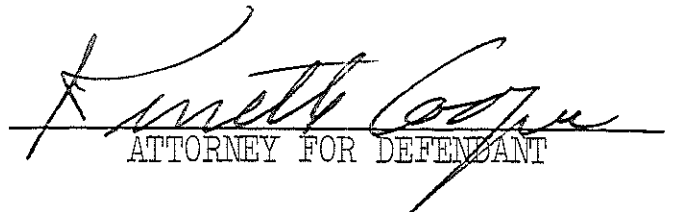
  
ATTORNEY FOR DEFENDANT

Defendant demands a trial  
by jury in this cause.

  
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I certify that I have mailed a copy of the foregoing Demurrer to Rickarby and Benton, Attorneys at Law, 35 South Section, Fairhope, Alabama 36532, by depositing the same in the United States Mail, postage prepaid, at Bay Minette, Alabama, on this 26th day of July, 1971.

  
ATTORNEY FOR DEFENDANT

FILED

JUL 26 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

9896

E. G. RICKARBY  
DANIEL A. BENTON  
TELEPHONE  
(205) 928-2508

LAW OFFICES  
**RICKARBY & BENTON**  
ATTORNEYS AT LAW  
316 MAGNOLIA AVENUE  
P. O. BOX 471  
FAIRHOPE, ALABAMA 36532

DAPHNE BRANCH  
EARLE REALTY BUILDING  
HIGHWAY 98  
TELEPHONE  
(205) 626-2608

July 26, 1971


Mrs. Eunice Blackmon  
Clerk of the Circuit Court  
Bay Minette, Alabama 36507

Inre: Na-Churs Plant Food Co. v. Merrill  
Case 9896 Northcutt  
Our File No. R71-22

Dear Mr. Blackmon:

Please put this docket sheet and letter  
on the Judge's desk so he can enter judgment and  
oblige.

Yours very truly,

  
E. G. Rickarby

EGR:h

LAW OFFICES  
RICKARBY & BENTON  
ATTORNEYS AT LAW  
35 SOUTH SECTION STREET  
P. O. BOX 471  
FAIRHOPE, ALABAMA 36532

E. G. RICKARBY  
DANIEL A. BENTON

TELEPHONE  
(205) 928-2308

June 21, 1971

Mrs. Eunice Blackmon  
Clerk of the Circuit Court  
Bay Minette, Alabama 36507

9896

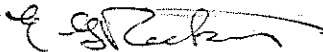
Re: Na-Churs Plant Food Co.  
v. Merrill Northcutt  
Our File No. R71-22

Dear Mrs. Blackmon:

Enclosed are summons and complaint, itemized and verified statement of account, and check for \$35.00 costs. Please issue summons.

Yours very truly,

E. G. Rickarby



EGR:w  
Enc.